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In re Application of
KUNZ et al
Application No.: 09/601,431
PCT No.: PCT/EP99/09005
Int. Filing Date: 23 November 1999
Priority Date: 07 December 1998
Attorney Docket No.: 1222
For: COMPOSITION FOR DYEING HAIR

NOTIFICATION

This application is before the PCT Legal Office for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 23 November 1999, applicants filed international application No. PCT/EP99/09005, which claims a priority date of 07 December 1998 and designates the United States. No Demand appears to have been filed in this international application. Accordingly, the deadline for entry into the national stage in the U.S. expired 08 August 2000.

On 02 August 2000, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee and an executed declaration of the inventors. In the "FULL NAME OF FIRST OR SOLE OWNER" box of the declaration pertaining to the first named joint inventor, the name Manuela Kunz JAVET appears; this name did not appear in the international application.

DISCUSSION

The declaration of the inventors is not acceptable at this time, in that the name of the second named inventor, Manuela Kunz JAVET, does not correspond to that set forth in the international application, Manuela KUNZ. MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

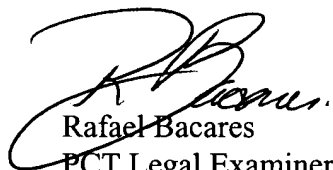
Applicant has must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to commencement of the present national stage application.

CONCLUSION

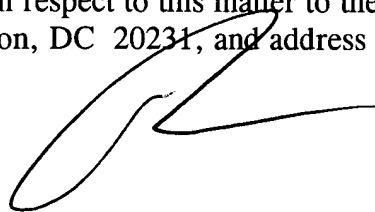
For the reasons above, the application may not enter into national stage processing at this time.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely submit the proper reply will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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